

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

COLONY INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 3:07-CV-01044- TFM
)	
FLOYD'S PROFESSIONAL TREE)	
SERVICE, DUSTIN A. FLOYD, and JUNE C.)	
BRAND,)	
)	
Defendants.)	

**COLONY INSURANCE CO.'s MOTION TO STRIKE DEFENDANT'S REPLY TO
PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS OR IN
THE ALTERNATIVE MOTION TO ABSTAIN**

COMES NOW, Colony Insurance Company ("Colony"), Plaintiff in the above-styled cause and respectfully moves this Honorable Court to strike the Defendant, June C. Brand's ("Brand") reply to Plaintiff's Opposition to Defendant's Motion to Dismiss or in the Alternative Motion to Abstain ("Doc. 25"), which was filed on March 8, 2008, or in the alternative to allow Colony to file a sur-reply thereto. As grounds, therefore, Colony states that this Court issued an Order on April 16, 2008 ("Doc. 20"), giving all parties until April 25, 2008 to submit any additional briefs and/or evidentiary materials on the issue of Brand's Motion to Dismiss or in the Alternative Motion to Abstain ("Doc. 13"). Brand's reply to Plaintiff's Opposition to Defendant's Motion to Dismiss or in the alternative Motion to Abstain filed on May 8, 2008 is clearly not within the time period ordered by this Court.

WHEREFORE, Colony respectfully requests this Honorable Court to strike Brand's reply to the Plaintiff's Opposition to Defendant's Motion to Dismiss or in the Alternative Motion to Abstain ("Doc. 25"), or in the alternative to allow Colony to file a sur-reply thereto.

This the 9th day of May, 2008.

S/ Blake L. Oliver
Of Counsel for Colony Insurance Company

OF COUNSEL:

Adams, Umbach, Davidson & White
P.O. Box 2069
Opelika, AL 36803
(334) 745- 6466

CERTIFICATE OF SERVICE

I do certify that I have this day served a true and correct copy of the above and foregoing to the following by mailing a copy of same, United States mail, postage prepaid at the addresses below:

Derrick Blythe, Esq.
Attorney at Law
126 Marshall Street
Alexander City, AL 35010

Don Harrison, Esq.
125 West Columbus Street
Dadeville, AL 36853

This the 9th day of May, 2008,

S/ Blake L. Oliver
Of Counsel for Colony Insurance Company